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## FACSIMILE TRANSMISSION

Total # of Pages 14 (including this page)

<b>TO: Examiner C. Yaen</b>	<b>PHONE #:</b>	<b>FAX #:</b>
Patent and Trademark Office	1- (571)272-0838	1-703-872-9306

<b>From :</b> Karen E. Flick, Ph.D.
<b>Email Address :</b> kflick@foley.com
<b>Sender's Direct Dial :</b> 650.251.1115
<b>Date :</b> July 18, 2005
<b>Application No. :</b> 09/866,569
<b>User ID No :</b> 09351

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025.13964.1

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PAGE 1/5 \* RCVD AT 7/18/2005 5:04:09 PM [Eastern Daylight Time] \* SVR:USPTO-EFAXF-6/0 \* DNIS:8729306 \* CSID: \* DURATION (mm:ss):01:26

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Atty. Dkt. No. 355908-3100

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Anthony E. BOLTON, et al.  
Title: APOPTOTIC ENTITIES FOR  
USE IN TREATMENT OF  
ENDOTHELIUM  
DYSFUNCTION DISORDERS

Appl. No.: 09/866,569

Filing Date: 5/25/2001

Examiner: C. Yaen

Art Unit: 1642

<p><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p><u>Loni M. Cummings</u> (Printed Name)</p> <p>_____ (Signature)</p> <p><u>July 18, 2005</u> (Date of Deposit)</p>
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**PETITION TO ENTER PREVIOUSLY SUBMITTED AMENDMENT**

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In a telephone conversation with Examiner Yaen, it came to Applicant's attention that the Amendment Under 37 CFR 1.114 filed on 18 August 2003 has not been entered into the record for the above-identified application.

Applicant encloses a copy of the filing submitted by Express Mail, label number EV336630633US, on 18 August 2003, including:

- (1) Request for Continuing Examination Transmittal (1 page);
- (2) Amendment Under 37 CFR 1.114 (6 pages);
- (3) Fee Transmittal plus copy for fee processing (2 pages); and
- (4) Three Month Request for Extension of Time Under 37 CFR 1.136(a)

This filing also included a self-addressed stamped postcard. The U.S. Patent and Trademark Office acknowledged receipt of the Request for Continuing Examination and Amendment by returning the receipt acknowledgement postcard stamped 18 August 2003 (copy attached). Accordingly, the Amendment under 37 CFR 1.114 was properly and timely submitted for consideration by the Examiner.

APPLICANT HEREBY PETITIONS FOR ENTRANCE OF THE AMENDMENT  
UNDER 37 CFR 1.114 FILED 18 AUGUST 2003

As the failure to enter the amendment was due to an error by the Patent and Trademark Office, Applicant does not believe that any fee is due. However, the Commissioner is hereby authorized to charge any fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872.

Respectfully submitted,

Date 18 July 2005

By Karen E. Flick

FOLEY & LARDNER LLP  
Customer Number: 38706  
Telephone: (650) 251-1103  
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Karen E. Flick  
Attorney for Applicant  
Registration No. 44,111

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Air Docket No.: 559082005000

Inventor: Anthony E. BOLTON, et al

Atty Docket No.: 559082005000

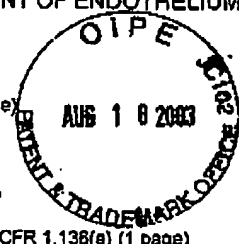
Application No.: 09/866,569

Filing Date: May 25, 2001

Title: APOPTOTIC ENTITIES FOR USE IN TREATMENT OF ENDOTHELIUM DYSFUNCTION DISORDERS

**Documents Filed:**

- Request for Continued Examination Transmittal (1 page)
- Amendment Under 37 CFR 1.114 (8 pages)
- Fee Transmittal plus copy for fee processing (2 pages)
- Three Month Request for Extension of Time Under 37 CFR 1.138(a) (1 page)



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pa-798817

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<b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b> Address to: Commissioner for Patents Box RCE Washington, DC 20231	<i>Application Number</i>	09/866,569
	<i>Filing Date</i>	May 25, 2001
	<i>First Named Inventor</i>	Anthony E. BOLTON
	<i>Group Art Unit</i>	1642
	<i>Examiner Name</i>	C. Yaen
	<i>Attorney Docket No.</i>	559082005000

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application